

Draft Regulations

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Elimination of residual materials and contaminated soils — Charges payable

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), that the draft Regulation respecting charges payable for the elimination of residual materials and contaminated soils, the text of which appears below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation is to establish a charge for the elimination of residual materials and contaminated soils in certain elimination sites. The charge is fixed at \$10 for each ton of materials accepted for elimination. The elimination sites for which that charge is to apply include sanitary landfill sites, dry materials disposal sites and incinerators governed by the Regulation respecting solid waste (R.R.Q., 1981, c. Q-2, r.14). Those sites will be required to have weighing devices for materials accepted for elimination. Transitional measures are also provided for certain elimination sites that will not yet have weighing devices on 1 January 2006.

The draft Regulation is being proposed to constitute funds necessary for the development of recycling and composting activities through the establishment of regulatory charges, as well as to reduce the annual quantities of residual materials sent to elimination, extend the service life of elimination sites and reduce pollution resulting from the elimination of residual materials.

The proposed Regulation will have an impact on municipalities, operators of elimination sites and enterprises generating residual materials.

Further information on the draft Regulation may be obtained by contacting André G. Bernier, Direction des affaires intergouvernementales et des études économiques, Ministère de l'Environnement, at the following address: édifice Marie-Guyart, 29^e étage, boîte 97, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: (418) 521-3828 extension 4053; fax: (418) 644-4598 or email: agbernier@menv.gouv.qc.ca

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 60-day period, to the Minister of the Environment, édifice Marie-Guyart, 30^e étage, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7.

THOMAS J. MULCAIR,
Minister of the Environment

Regulation respecting charges payable for the elimination of residual materials and contaminated soils

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. b and e.1, s. 70, par. 5, ss. 109.1 and 124.1)

1. The purpose of this Regulation is to prescribe the charges payable for the elimination of residual materials and contaminated soils in elimination sites.

2. This Regulation applies to the following elimination sites:

(1) sanitary landfill sites, dry materials disposal sites and incinerators governed by the Regulation respecting solid waste (R.R.Q., 1981, c. Q-2, r.14);

(2) the incinerator the establishment of which was authorized under section 22 of the Environment Quality Act (R.S.Q., c. Q-2) on the territory of Îles-de-la-Madeleine for the purpose of eliminating household garbage produced on the islands;

(3) incinerators for sludge from municipal waste water treatment works; and

(4) contaminated soil burial sites governed by the Regulation respecting the burial of contaminated soils made by Order in Council 843-2001 dated 27 June 2001.

3. Every operator of an elimination site referred to in section 2 must pay elimination charges of \$10 for each ton of materials accepted for elimination.

No charge is payable for incineration residue from an incinerator referred to in that section.

4. The charges are indexed on 1 January of each year on the basis of the rate of increase in the Consumer Price Index for Canada, as published by Statistics Canada. The rate is calculated by establishing the difference between the average of the monthly indexes for the 12-month period ending on 30 September of the preceding year and the average of the monthly indexes for the equivalent period of the year before the preceding year.

The Minister of the Environment shall inform the public of the result of the indexing under this section in Part 1 of the *Gazette officielle du Québec* and, where the Minister considers it appropriate, by any other means.

5. The charges prescribed by section 3 are payable to the Minister of Finance, as the case may be, not later than 15 March, 15 June, 15 September and 15 December of each year for the preceding three-month period.

In addition to the payment of those charges, a document containing the following particulars must be sent to the Minister of the Environment:

(1) the operator's name and address;

(2) the quantity, by weight, of materials accepted for elimination during the quarter covered by the charges, specifying, where applicable, the quantity by weight of incineration residue from an incinerator referred to in section 2;

(3) the method of elimination of the materials; and

(4) the amount of the charges paid.

If no charge is payable for a given quarter, the operator must notify the Minister thereof within the same time and provide the reasons.

6. Charges not paid within the prescribed time bear interest, from the due date, at the rate determined under section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31).

In addition to the interest payable, the following amounts are added to every amount outstanding:

(1) 7% of the amount of the unpaid charges where the delay does not exceed seven days;

(2) 11% of the amount of the unpaid charges where the delay does not exceed 14 days; and

(3) 15% of the amount of the unpaid charges in any other case.

7. All materials accepted for elimination must, upon receipt, be weighed at the elimination site.

Weighing devices for the materials must be installed, used and maintained so as to provide reliable data.

8. For every load of materials accepted for elimination, the following particulars must be entered in an annual operations register:

(1) the carrier's name;

(2) the nature of the materials transported and eliminated;

(3) the quantity of materials, expressed in weight;

(4) the quantity of incineration residue from an incinerator referred to in section 2, expressed in weight, where applicable;

(5) the origin of the materials and, where applicable, the origin of incineration residue; and

(6) the date of receipt.

The annual operations registers must be kept at the elimination site and be available to the Minister for at least five years as of the date of the last entry.

9. Within 60 days following the end of each year, the operator of a sanitary landfill site, dry materials disposal site, construction or demolition waste landfill or contaminated soil burial site, must have an outside expert who is a land surveyor prepare an assessment of the quantity, by weight, of materials eliminated during the year at the elimination site and send the assessment to the Minister.

10. Within 60 days following the coming into force of this Regulation, the operator of a sanitary landfill site, dry materials disposal site, construction or demolition waste landfill or contaminated soil burial site must, for the purposes of the assessment provided for in section 9, prepare a report containing a plan and data showing the extent of landfill operations at the site, in particular filled deposit sites, those in operation and the remaining landfill capacity available.

The report must be kept at the elimination site and be available to the outside expert.

11. The operator of an elimination site existing on the date of coming into force of this Regulation that does not have a weighing device for materials and

that receives less than 20,000 tons of materials per year is exempted from the requirements of section 7 for a three-year period as of the date of coming into force of this Regulation. The tonnage of 20,000 tons or less at a site must be validated by an outside expert.

In addition to the particulars mentioned in the document referred to in the second paragraph of section 5, the operator of the site must also indicate in the document the method used to determine the quantity, by weight, of the materials accepted for elimination and, if the materials were weighed before they were accepted, the place where they were weighed and the name and address of the person or municipality that weighed the materials.

12. Every operator who commits an offence against the provisions of sections 3, 5, 7 to 10 and the provisions of the second paragraph of section 11 is liable to a fine

(1) of \$2000 to \$15,000 in the case of a natural person; and

(2) of \$5000 to \$100,000 in the case of a legal person.

In the case of a second or subsequent offence, the fines are doubled.

13. This Regulation applies to a reserved area and to an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

14. This Regulation comes into force on 1 January 2006.

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Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Forest royalties — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting forest royalties, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to modify the rules for calculating the value of silvicultural treatments and other forest resources protection and develop-

ment activities accepted in lieu of payment of the dues prescribed by the Minister of Natural Resources, Wildlife and Parks, and to establish new conditions governing the granting of the credits applicable to the payment of dues.

The draft Regulation will have no significant impact on the public or on enterprises other than as concerns the royalties payable by forest enterprises and the new requirement to publish in a regional newspaper a yearly notice describing all the silvicultural treatments and other activities that holders of a timber supply and forest management agreement, a forest management agreement or a forest management contract intend to carry out in the region concerned. The total cost of the new requirement is estimated to be approximately \$50,000 per year for all enterprises taken as a whole.

Further information on the draft Regulation may be obtained by contacting Pierre Cornellier, Office of the Associate Deputy Minister for Forests, Ministère des Ressources naturelles, de la Faune et des Parcs, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4; telephone: (418) 627-8658, extension 4003; fax: (418) 646-3387; e-mail: pierre.cornellier@mrrfp.gouv.qc.ca

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period mentioned above, to Marc Ledoux, Associate Deputy Minister for Forests, Ministère des Ressources naturelles, de la Faune et des Parcs, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

PIERRE CORBEIL,
*Minister for Forests,
Wildlife and Parks*

SAM HAMAD,
*Minister of Natural Resources,
Wildlife and Parks*

Regulation to amend the Regulation respecting forest royalties*

Forest Act
(R.S.Q., c. F-4.1, ss. 73.1 to 73.3 and 172, 1st par., subpars. 3 and 3.1)

1. The Regulation respecting forest royalties is amended by replacing section 11 by the following:

* The Regulation respecting forest royalties, made by Order in Council 372-87 dated 18 March 1987 (1987, *G.O.* 2, 1099), was last amended by the regulation made by Order in Council 192-2002 dated 28 February 2002 (2002, *G.O.* 2, 1575). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.